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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,981	10/28/2003	Masashige Tamura	03500.017673	3977
5514	7590	03/14/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			GLEITZ, RYAN M	
			ART UNIT	PAPER NUMBER
			2852	

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/693,981	<b>Applicant(s)</b> TAMURA, MASASHIGE 	
	<b>Examiner</b> Ryan Gleitz	<b>Art Unit</b> 2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Notani et al. (JP 2000066500).

Notani et al. disclose an image forming apparatus in figure 27 including: a developing device (Dm) containing developer including toner and carrier, the developing device (Dm) having a first chamber (62) for developing an electrostatic image formed on an image bearing member (16), and a second chamber (64) constituting a developer circulating route between the second chamber and the first chamber, as shown by figure 7.

A carrying member (R2) is rotatably provided in the second chamber (64) for carrying the developer, and a rotary member (H) holds the developing device (Dm) and is rotatable in a route including a developing position. Supplying means (R1) is for supplying the developer to the developing device, which is in the developing position.

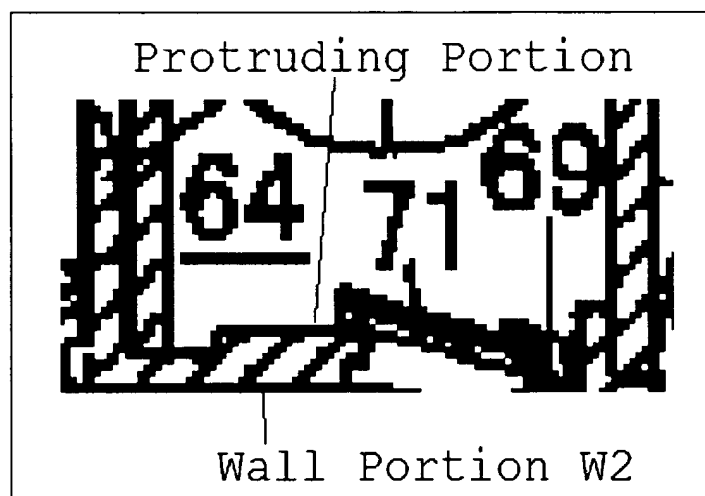
Shutter (71) is a valve mechanism for opening and closing the opening (67a) by operation of gravity of the valve mechanism with the rotation of the rotary member.

Developer exhaust port (67a), or alternatively end connection (74), is an opening provided in the second chamber (64) for outwardly discharging therethrough any excess developer resulting from the supply of the develop.

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A portion of developing device (Dm) from figure 27 is shown below. Upper wall (W2) is a wall portion provided in the second chamber opposite to a space created by an opening of the opening and closing member (71) near the opening and closing member (71) on a side of opening and closing member (71) and protruding toward an inside of the second chamber (64).

Alternatively, there is another wall portion (shown directly below the numeral 9 in the figure, which is provided in the second chamber opposite to a space created by an opening of the opening and closing member (71) near the opening and closing member (71) on a side of opening and closing member (71) and protruding toward an inside of the second chamber (64).



Regarding claim 2, the wall portion (W2) is provided between the opening (74) and the carrying member (R2) so as to narrow a developer containing space in the second chamber (64).

Regarding claim 3, the opening (67a) is located above the wall portion (W2) when the excess developer can be discharged through the opening, for example in the case of Dm in figure 27.

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Regarding claim 4, the second chamber (64) has a substantially U-shaped cross section, and the wall portion is provided so as to protrude from a straight portion of the U-shape toward the carrying member side.

Regarding claim 5, a plurality of developing devices is also shown in figure 27, wherein the rotary member locates any one of the plurality of developing devices held by the rotary member in the developing position.

### ***Response to Arguments***

Applicant's arguments 30 November 2005 have been fully considered but they are not persuasive.

Applicant submits that Notani et al. teach a wall portion below a space created by the opening and closing member, and therefore not opposite to a space created by an opening of the opening and closing member.

This argument is not persuasive. While it is maintained that the wall portion as described by Applicant still reads upon the "opposite to a space" relationship as claimed, it is pointed out that at least the left portion of wall W2 in the figure above can more aptly be described as opposite to a space created by the opening and closing member. Additionally, as discussed above, a second wall portion directly below the numeral 9 in the figure above, would alternatively read on the wall portion as claimed, as it is on the same side of the opening as the hinge of the opening and closing member.

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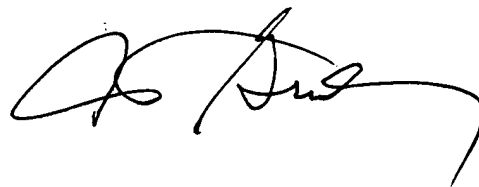
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Gleitz whose telephone number is (571) 272-2134. The examiner can normally be reached on Monday-Friday between 9:00AM and 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
rg



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